

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

BRADLEY J. SCHAUFENBUEL; et al.,)	
)	
Plaintiffs,)	
)	Case No. 09-CV-1221
v.)	
)	
INVESTFORCLOSURES FINANCIAL, L.L.C.; et al.,)	Judge Leinenweber
)	
)	Magistrate Judge Nolan
)	
Defendants.)	

MOTION TO AMEND COMPLAINT *INSTANTER*

NOW COME Plaintiffs, by and through their attorneys Thurston Law Offices, P.C. and Law Offices of Joel M Weiner, LLC, and pursuant to Rule 15(a)(2) respectfully moves this honorable Court to grant them leave to amend their Complaint in this matter. In support of their Motion, Plaintiffs hereby state and allege as follows:

1. On September 30, 2009, this Court issued its Memorandum Opinion and Order in which it granted in part and denied in part various motions of Defendants to dismiss the Complaint.
2. Rule 15 reads in pertinent part: "In all other cases, a party may amend its pleading only with the opposing party's written consent or the court's leave. The court should freely give leave when justice so requires." Fed.R.Civ.P. 15(a)(2).
3. Plaintiffs have read carefully this Court's Order and addressed each of the deficiencies pointed out in the Order in redrafting their Complaint. For example, the Plaintiffs have added substantial specific facts for each Defendant as to the facts and basis for their alleged liability with a particular focus on the

heightened pleading requirements of Rule 9(b) for the applicable counts. The amended version also eliminates certain Defendants, including the John Does, as they are no longer pertinent to the causes of action or were previously dismissed. Further, Plaintiffs have specifically identified which Defendants are subject to which causes of action and have deleted the "group" pleading problem with the prior Complaint. Plaintiffs have also eliminated two of the prior causes of action (specifically, Counts 16 and 17, Civil RICO and Money Laundering respectively).

4. Plaintiffs submit a proposed Third Amended Class Action Complaint, attached hereto as Exhibit A, for consideration by this Court to be filed *instanter* to replace the prior Complaint.

WHEREFORE, Plaintiffs respectfully request that this honorable Court grant their Motion to Amend the Complaint and grant them leave to file the attached proposed Third Amended Class Action Complaint *instanter*.

Respectfully submitted,
PLAINTIFFS

By: /s/ Robert C. Thurston
One of Their Attorneys

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